

JAN 09 2006

Docket No.: 747/9-1538

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher James Nason      Conf. No. 2750  
Serial No.: 09/800,112      Group Art Unit: 2145  
Filing Date: March 5, 2001      Examiner: Thomas Duong

For: METHOD OF CONTROLLING TELEPHONE CONNECTIONS FOR INTERNET  
PROTOCOL COMMUNICATIONS

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

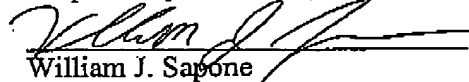
**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

The applicant hereby requests review of the final rejection in the above identified application. No amendments are being filed with this request. The request is being filed with a notice of appeal. The review is requested for the reason stated below.

The Examiners' stated basis for finding the Applicant's arguments not persuasive is based on pure speculation. That is, the examiner alleges that it is well known that "there is a Protocol field, which specifies the type of the encapsulated protocol, in the IP packet header", yet cites no evidence in the prior art supporting this contention. In fact, the cited art specifically has no such disclosure, and if this were so "well known", there would be some indication of this in the cited art. Further, the particular encapsulation in accordance with the presently claim invention is what must be rendered obvious, not a general broad concept as the examiner proposes. As there is no evidence of record supporting the examiners' position, the claims as presented are not obvious and the rejection should be withdrawn.

Respectfully submitted,



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